

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARLON BENSON,	§	
	§	No. 426, 2011
Plaintiff Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
HONORABLE DIANE C. STREETT	§	
and REBECCA McBRIDE,	§	
	§	
Defendants Below,	§	C.A. No. N11M-06-019
Appellees.	§	

Submitted: November 1, 2011

Decided: November 4, 2011

**ORDER**

This 4<sup>th</sup> day of November 2011, the Court has considered the notice to show cause issued to the appellant, Marlon Benson, on October 19, 2011, for his failure to file the opening brief that was due to be filed by October 3, 2011. Benson has not responded to the notice to show cause and has not filed the opening brief. Benson's failure to respond to the notice to show cause is deemed to be his consent to the dismissal of this appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice